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B3M1/0119

DARBE, V EXAMINER

ART UNIT	PAPER NUMBER
2302	3

DATE MAILED: 01/19/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 8/16/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice re Patent Drawing, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-10 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2302

1. Applicant is advised that enclosed PTO-form 948 indicates the drawings have been approved by the draftsman.

2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to under 35 U.S.C. § 112, first paragraph, as not enabling for claims 1-10. The language of the specification is so broad that it would take an undue amount of experimentation to implement the applicants method and applicant sets forth no means to implement the method except in the very broadest sense.

4. There are references to sending and receiving E-mail and generating status reports without any means to do so--there are no types of interfaces, buffers, status tables, data gathering devices or techniques. Since the computer systems themselves are generally undefined, it is impossible to ascertain what state is monitored -- printer busy? power off/on? nuclear controller overheating? -- the possibilities are endless. There is no indication as to what conditions are desired or what "pre-determined" tasks are performed on the basis of the discrepancies

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between existing and desired conditions. There are no means or any indication of how these tasks are initiated or performed.

5. The notification process is described in the most general terms-e.g. a paging service is notified with no indication of how this is accomplished.

6. The verification process is very general and could be interpreted as a number of things such as verifying that a specific interconnection is operative, a series of links is operative, handshaking to indicate packet or transmission compatibility, handshaking to indicate computer system operability, security protocols to provide access control, etc.

7. Claims 1-10 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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9. Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Parad, U.S. Patent No. 5,369,570.

10. Regarding claims 1-10; Parad discloses a method and system for continuous real-time management of heterogeneous resources. Resource engines create messages to indicate conditions, including resource utilization, as described in Col. 12 line 65 et seq. The action control (Col. 27, line 44 et seq.) uses the information from the resource engines in a decision process comprised of 1.) establishing priority, 2.) identifying alternative actions and assisting in selection and 3.) implementing indicated actions. Regarding claims 2 and 5-7; the actions which can be implemented include notifying operators via auditory or visual means (Col. 28). The action is selected either automatically by default or analysis or manually by operator selection (Col. 30, line 64 et seq.).

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is as follows:

Kung, U.S. Patent No. 5,337,320 entitled "*Semi-automatic Mode of Network Design*".


Serial Number: 08/106,733

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Valerie Darbe whose telephone number is (703) 305-9839.

13. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.


ALYSSA H. BOWLER
SUPERVISORY PATENT EXAMINER
GROUP 2300
SUPERVISORY PATENT EXAMINER
GROUP 2300

VAD
January 17, 1995